

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SHAWN HENRY SCRIVENS,

Plaintiff,

v.

DR. UNKNOWN BURRIS,

Defendant.

)
)
)
)
)
)
)
)
)
)

No. 4:20-CV-1127 SRW

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on pro se plaintiff Shawn Scriven’s motion for leave to file an amended complaint.¹ Because plaintiff has not attached a proposed amended complaint to his motion for leave, the Court will deny plaintiff’s motion, without prejudice.

On February 18, 2021, the Court received plaintiff’s motion for leave to file an amended complaint. In his motion, plaintiff states that there are “several [microcritical] errors contained within the original complaint, which if left un-amended, would likely cause much confusion in the prosecution of this case.” Plaintiff states, that he believes that his case “requires far more detailed information from that to which was depicted in the original complaint.” Plaintiff then states that he would like to leave to file an amended complaint. However, he has not included a proposed amended complaint with his motion.

¹Plaintiff filed his original complaint in this action on August 21, 2020. The Court reviewed the complaint pursuant to 28 U.S.C. § 1915 on December 11, 2020 and dismissed all of the claims and defendants except for plaintiff’s claim against Dr. Unknown Burris in his individual capacity for deliberate indifference. Plaintiff sought reconsideration of the Order of Partial Dismissal on January 13, 2021. The Court denied plaintiff’s motion for reconsideration on January 20, 2021.

The Court is unsure whether plaintiff seeks to amend his complaint by interlineation, or whether he seeks leave to file an amended complaint at a later date. The Court will address both scenarios.

To the extent plaintiff seeks to amend by interlineation (*i.e.*, by adding language to the pending complaint), the motion will be denied. The Court does not accept amendments by interlineation, because it creates confusion in the record, especially for the responding party.

To the extent plaintiff seeks to file his amended complaint at a later date, the motion also will be denied. Plaintiff has failed to file a proposed amended complaint with his motion for leave. In the future, if plaintiff seeks leave to file an amended complaint, he shall file a motion for leave to file an amended complaint and submit (as an attachment to the motion) the proposed amended complaint. *See Popoalii v. Corr. Med. Servs.*, 512 F.3d 488, 497 (8th Cir.2008) (finding that it is appropriate to deny leave to amend a complaint when a proposed amendment was not submitted with the motion). The proposed amended complaint needs to be drafted on a Court-provided form, needs to be signed by plaintiff, and must contain a complete caption. Additionally, all claims in the action must be included in one, centralized complaint form. *See* Fed. R. Civ. P. 7(a)(1), 8(a).

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to file an amended complaint [Doc. #14] is **DENIED**.

IT IS FURTHER ORDERED that the Clerk shall provide plaintiff a court form for filing prisoner actions.

Dated this 19th day of February, 2021



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE